

**Introduced by Senator Denham
(Coauthor: Senator Yee)**

February 1, 2010

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article IX thereof, relating to the University of California.

LEGISLATIVE COUNSEL'S DIGEST

SCA 26, as introduced, Denham. University of California: mandatory systemwide fees.

The California Constitution establishes the University of California as a public trust and requires the university to be administered by the Regents of the University of California, a corporation in the form of a board, with full powers of organization and government, subject to legislative control only for specified purposes. These provisions grant the regents all powers necessary or convenient for the effective administration of its trust.

This measure would prohibit an increase in the mandatory systemwide fees charged to students attending the university that is adopted by the regents from becoming effective before 180 calendar days have elapsed after the date on which the increase is adopted. The measure would prohibit the regents from increasing mandatory systemwide fees in any fiscal year by a cumulative amount exceeding 10% of the mandatory systemwide fees charged for the immediately preceding fiscal year.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 That Section 9 of Article IX thereof is amended to read:

8 SEC. 9. (a) The University of California shall constitute a
9 public trust, to be administered by the existing corporation known
10 as “The Regents of the University of California,” with full powers
11 of organization and government, subject only to ~~such that~~
12 legislative control as may be necessary to ~~insure~~ *ensure* the security
13 of its funds and compliance with the terms of the endowments of
14 the university and ~~such those~~ competitive bidding procedures as
15 may be made applicable to the university by statute for the letting
16 of construction contracts, sales of real property, and purchasing
17 of materials, goods, and services. ~~Said~~ *The* corporation shall be in
18 ~~the form of~~ a board composed of seven ex officio members, which
19 shall be: the Governor, the Lieutenant Governor, the Speaker of
20 the Assembly, the Superintendent of Public Instruction, the
21 president and the vice president of the alumni association of the
22 university and the acting president of the university, and 18
23 appointive members appointed by the Governor and approved by
24 the Senate, a majority of the membership concurring; ~~provided,~~
25 ~~however that the present appointive members shall hold office~~
26 ~~until the expiration of their present terms.~~

27 (b) (1) The terms of the members appointed prior to November
28 5, 1974, shall be 16 years; the terms of two appointive members
29 to expire as heretofore on March ~~1st~~ 1 of every even-numbered
30 calendar year, and two members shall be appointed for terms
31 commencing on March 1, 1976, and on March 1 of each year
32 thereafter; provided that no such appointments shall be made for
33 terms to commence on March 1, 1979, or on March 1 of each
34 fourth year thereafter, to the end that no appointment to the regents
35 for a newly commencing term shall be made during the first year
36 of any gubernatorial term of office. The terms of the members
37 appointed for terms commencing on and after March 1, 1976, shall
38 be 12 years. ~~During the period of transition until the time when~~
39 ~~the appointive membership is comprised exclusively of persons~~
40 ~~serving for terms of 12 years, the total number of appointive~~

1 ~~members may exceed the numbers specified in the preceeding~~
2 ~~paragraph.~~

3 ~~In~~

4 (2) ~~In case of any a vacancy, the term of in an appointed office~~
5 ~~of the appointee to fill such vacancy, who, an individual shall be~~
6 ~~appointed by the Governor and approved by the Senate, a majority~~
7 ~~of the membership concurring, shall be for the balance of the term~~
8 ~~for which such that vacancy exists.~~

9 (c) The members of the board may, in their discretion, following
10 procedures established by them and after consultation with
11 representatives of faculty and students of the university, including
12 appropriate officers of the academic senate and student
13 governments, appoint to the board either or both of the following
14 persons as members with all rights of participation: a member of
15 the faculty at a campus of the university or of another institution
16 of higher education; a person enrolled as a student at a campus of
17 the university for each regular academic term during his *or her*
18 service as a member of the board. Any person so appointed shall
19 serve for not less than one year commencing on July 1.

20 (d) Regents shall be able persons broadly reflective of the
21 economic, cultural, and social diversity of the State, including
22 ethnic minorities and women. However, it is not intended that
23 formulas or specific ratios be applied in the selection of regents.

24 (e) In the selection of the ~~Regents~~ *regents*, the Governor shall
25 consult an advisory committee composed as follows: The Speaker
26 of the Assembly and two public members appointed by the
27 Speaker, the President-~~Pro~~ *pro* Tempore of the Senate and two
28 public members appointed by the ~~Rules Committee~~ of the Senate
29 *Committee on Rules*, two public members appointed by the
30 Governor, the ~~chairman~~ *chairperson* of the regents ~~of the~~
31 ~~university~~, an alumnus of the university chosen by the alumni
32 association of the university, a student of the university chosen by
33 the Council of Student Body Presidents, and a member of the
34 faculty of the university chosen by the academic senate of the
35 university. Public members shall serve for four years, except that
36 one each of the initially appointed members selected by the Speaker
37 of the Assembly, the President-~~Pro~~ *pro* Tempore of the Senate,
38 and the Governor shall be appointed to serve for two years; student,
39 alumni, and faculty members shall serve for one year and may not

1 be regents of the university at the time of their service on the
2 advisory committee.

3 (f) ~~The Regents of the University of California~~ *regents* shall be
4 vested with the legal title and the management and disposition of
5 the property of the university and of property held for its benefit
6 and shall have the power to take and hold, either by purchase or
7 by donation, or gift, testamentary or otherwise, or in any other
8 manner, without restriction, all real and personal property for the
9 benefit of the university or incidentally to its conduct; ~~provided,~~
10 ~~however, that.~~ *However,* sales of university real property shall be
11 subject to ~~such~~ *any* competitive bidding procedures as may be
12 provided by statute. ~~Said~~ *The* corporation shall also have all the
13 powers necessary or convenient for the effective administration
14 of its trust, including the power to sue and to be sued, to use a seal,
15 and to delegate to its committees or to the faculty of the university,
16 or to others, ~~such~~ *the* authority or functions ~~as it may deem that it~~
17 *deems* wise. ~~The Regents~~ *regents* shall receive all funds derived
18 from the sale of lands pursuant to the act of Congress of July 2,
19 1862, and any subsequent acts amendatory thereof. The university
20 shall be entirely independent of all political or sectarian influence
21 and kept free therefrom in the appointment of its regents and in
22 the administration of its affairs, and ~~no~~ *a* person shall *not* be
23 debarred admission to any department of the university on account
24 of race, religion, ethnic heritage, or sex.

25 (g) *Notwithstanding subdivision (f), any increase in mandatory*
26 *systemwide fees charged to students attending the university that*
27 *is adopted by the regents shall not become effective before 180*
28 *calendar days have elapsed after the date on which the increase*
29 *is adopted. In any fiscal year, the regents shall not increase the*
30 *mandatory systemwide fees charged to students attending the*
31 *university by a cumulative amount exceeding 10 percent of the*
32 *mandatory systemwide fees charged for the immediately preceding*
33 *fiscal year.*

34 ~~(g)~~
35 (h) Meetings of the ~~Regents of the University of California~~
36 *regents* shall be public, with exceptions and notice requirements
37 as may be provided by statute.

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